

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING MOTION TO
)	CONTINUE TRIAL
vs.)	
)	Case No. 3:23-cr-33
Rhawnie Marcellais,)	
)	
Defendant.)	

Defendant Rhawnie Marcellais moves to continue trial. Doc. 70. Trial is set to begin on February 27, 2024. Defense counsel requests a continuance to further investigate, review discovery, and prepare for trial. Marcellais consents to the continuance and executed a written waiver form acknowledging that the delay will be excluded from any calculation under the Speedy Trial Act. Doc. 71. The United States does not object to the motion.

There is good cause to continue the trial, and “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial” pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). So, the Court **GRANTS** the motion (Doc. 70). Trial will be reset to Tuesday, June 25, 2024, at 9:30 a.m. in Fargo. A four (4) day trial is anticipated. All time elapsing from the date of this order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

IT IS SO ORDERED.

Dated this 12th day of February, 2024.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court